

REMARKS

I. STATUS OF CLAIMS

Claims 96, 142, 167, 170, 175, 203, and 206 are pending in this application. No claim is amended herein.

II. OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTIONS

At page 2 of the Office Communication, the Examiner asserts that, "Applicant has not adequately replied to the Obviousness Type Double Patenting Rejection of instant claims over various patents (see action dated 10/9/07)." *Id.*

In the Office Action dated October 9, 2007, the Examiner rejected claims 96-98, 101, 123, 135, 142, 170, 192, 194, and 203-206 for nonstatutory obviousness-type double patenting over claims 1 and 3 of U.S. Patent No. 6,716,420, over claims 1-14 of U.S. Patent No. 7,008,619, and over U.S. Patent Nos. 6,402,408, 6,835,399, 6,869,594, 6,881,400, 6,960,339, 6,979,469, 7,008,629, 7,011,823, 7,144,582, 6,432,391, 7,025,953, 7,052,681, and 7,023,552. See Office Action dated October 9, 2007, at pp. 17-18.

While Applicants respectfully submit that the present invention is not obvious over any of the claims in the patents cited by the Examiner, to expedite allowance of the present application, Applicants submit herewith a terminal disclaimer to obviate each of the obviousness-type double patenting rejections. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw all of the obviousness-type double patenting rejections.

III. COMMONLY ASSIGNED CO-PENDING APPLICATIONS AND PATENTS

In previous submissions, Applicants noted information regarding co-pending applications and patents, including the present application, and submitted copies of the pending claims as of the date of those submissions for every case identified. Applicants submit herewith, as Exhibit 1, a copy of the pending and/or issued claims of Application Nos. 11/212,811, 10/450,108, 09/733,899, 09/733,900, which have been amended or issued since May 22, 2008. Applicants submit those claims for the Office's convenience in evaluating any potential issues regarding statutory or obviousness-type double patenting.

IV. CONCLUSION


In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: May 20, 2009

By: 
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Attachments:

Exhibit 1 - 4 Sets of Claims from Co-Pending Applications

Application No.: 10/699,780
Attorney Docket No. 05725.0895-02

EXHIBIT 1

Copies of Claims from 4 Co-Pending Applications